

IN THE CIRCUIT COURT OF JASPER COUNTY, MISSOURI
DIVISION VI AT CARTHAGE

STATE ex rel. JOSHUA KENT BARD,
JON EDWARD BUCK and JAMIE
SCOTT JOHNSON,

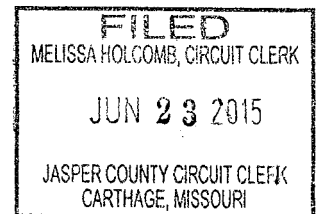
Relators,

vs

JASPER COUNTY COMMISSION,
JOHN BARTOSH, DARIEUS ADAMS,
and JIM HONEY,

Respondents.

)
)
)
)
) Case No. 15AO-AC01026
)
)
)
)
)
)



JUDGMENT AND ORDER

On this date, before the Court is Relators' Petition for Writ of Mandamus, wherein Relators are requesting that the Court enter an Order rescinding the Respondents' appointment of three Directors to the Joplin R-8 School Board, (herein after School Board).

The Court has reviewed the Petition along with the Suggestions and Exhibits filed.

The Court questions the standing of Relators to bring this action, although Relators cite cases in their Petition that suggest they have standing, the Court's review of those cases provide little guidance on the issues presented in this type of case.

Assuming arguendo that Relators have standing, this Court finds that in Case No. 15AO-AC01025, Judge Hensley found that there were three vacancies on the School Board. This Court agrees with and adopts the findings in that case.

Once there are three vacancies on the School Board, Section 162.261 RSMo applies.

Section 162.261, in pertinent part states: "The government and control of a seven-director school district ... Any vacancy occurring in the board shall be filled by the remaining members of the board; except that if there are more than two vacancies at any one time, the county commission upon receiving written notice of the vacancies shall fill the vacancies by appointment. The person appointed shall hold office until the next municipal election, when a director shall be elected for the unexpired term."

Section 162.261 is unclear as to how or by whom the commission is to receive written notice of the vacancies. The Court finds that based on the publicity of the turmoil on the School Board and the vacancies, the commission was aware of the three vacancies on the School Board.

The Respondents announced on June 10, 2015 that they would fill the School Board vacancies on June 12, 2015.


The Court finds that on June 12, 2015, at a public meeting, the Respondents appointed Gary Nodler, Ron Gatz and Sallie Beard to serve as Directors of the Joplin R-8 School Board. That the appointees were present and sworn in during the open meeting.

The Court does not find that the School Board appointments by the Respondents were unlawful or exceeded their jurisdiction. Their actions were in accordance with section 162.261.

The Court does not find that actions of the Respondents violated Section 610.010 et seq. when making their appointments to the School Board.

Wherefore, Relators' Petition for Writ of Mandamus is denied.

Dated June 23, 2015



Honorable Stephen P. Carlton